

116TH CONGRESS  
2D SESSION

S. 4251

To amend the Homeland Security Act of 2002 to establish a mentor-protégé program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2020

Mr. WARNER introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

# A BILL

To amend the Homeland Security Act of 2002 to establish a mentor-protégé program, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **3 SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Home-  
5 land Security Mentor-Protégé Program Act of 2020”.

## 6 SEC. 2. DEPARTMENT OF HOMELAND SECURITY MENTOR-

## 7 PROTÉGÉ PROGRAM.

8       (a) IN GENERAL.—Subtitle H of title VIII of the  
9 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)  
10 is amended by adding at the end the following new section:

1     **“SEC. 890B. MENTOR-PROTÉGÉ PROGRAM.**

2         “(a) ESTABLISHMENT.—There is established in the  
3     Department a mentor-protégé program (in this section re-  
4     ferred to as the ‘Program’) under which a mentor firm  
5     enters into an agreement with a protégé firm for the pur-  
6     pose of assisting the protégé firm to compete for prime  
7     contracts and subcontracts of the Department.

8         “(b) ELIGIBILITY.—The Secretary shall establish cri-  
9     teria for mentor firms and protégé firms to be eligible to  
10    participate in the Program, including a requirement that  
11    a firm is not included on any list maintained by the Fed-  
12    eral Government of contractors that have been suspended  
13    or debarred.

14         “(c) PROGRAM APPLICATION AND APPROVAL.—

15             “(1) APPLICATION.—The Secretary, acting  
16    through the Office of Small and Disadvantaged  
17    Business Utilization of the Department, shall estab-  
18    lish a process for submission of an application joint-  
19    ly by a mentor firm and the protégé firm selected by  
20    the mentor firm. The application shall include each  
21    of the following:

22                 “(A) A description of the assistance to be  
23    provided by the mentor firm, including, to the  
24    extent available, the number and a brief de-  
25    scription of each anticipated subcontract to be  
26    awarded to the protégé firm.

1                 “(B) A schedule with milestones for  
2 achieving the assistance to be provided over the  
3 period of participation in the Program.

4                 “(C) An estimate of the costs to be in-  
5 curred by the mentor firm for providing assist-  
6 ance under the Program.

7                 “(D) Attestation that Program partici-  
8 pants will submit to the Secretary reports at  
9 times specified by the Secretary to assist the  
10 Secretary in evaluating the protégé firm’s devel-  
11 opmental progress.

12                 “(E) Attestations that Program partici-  
13 pants will inform the Secretary in the event of  
14 change in eligibility or voluntary withdrawal  
15 from the Program.

16                 “(2) APPROVAL.—Not later than 60 days after  
17 receipt of an application pursuant to paragraph (1),  
18 the head of the Office of Small and Disadvantaged  
19 Business Utilization shall notify applicants of ap-  
20 proval or, in the case of disapproval, the process for  
21 resubmitting an application for reconsideration.

22                 “(3) RESCISSION.—The head of the Office of  
23 Small and Disadvantaged Business Utilization may  
24 rescind the approval of an application under this

1 subsection if it determines that such action is in the  
2 best interest of the Department.

3 “(d) PROGRAM DURATION.—A mentor firm and  
4 protégé firm approved under subsection (c) shall enter into  
5 an agreement to participate in the Program for a period  
6 of not less than 36 months.

7 “(e) PROGRAM BENEFITS.—A mentor firm and  
8 protégé firm that enter into an agreement under sub-  
9 section (d) may receive the following Program benefits:

10       “(1) With respect to an award of a contract  
11 that requires a subcontracting plan, a mentor firm  
12 may receive evaluation credit for participating in the  
13 Program.

14       “(2) With respect to an award of a contract  
15 that requires a subcontracting plan, a mentor firm  
16 may receive credit for a protégé firm performing as  
17 a first tier subcontractor or a subcontractor at any  
18 tier in an amount equal to the total dollar value of  
19 any subcontracts awarded to such protégé firm.

20       “(3) A protégé firm may receive technical, man-  
21 agerial, financial, or any other mutually agreed upon  
22 benefit from a mentor firm, including a subcontract  
23 award.

24       “(4) Any other benefits identified by the Sec-  
25 retary.

1       “(f) REPORTING.—Not later than 1 year after the  
2 date of the enactment of this Act, and annually thereafter,  
3 the head of the Office of Small and Disadvantaged Busi-  
4 ness Utilization shall submit to the Committees on Home-  
5 land Security and Small Business of the House of Rep-  
6 resentatives a report that—

7           “(1) identifies each agreement between a men-  
8 tor firm and a protégé firm entered into under this  
9 section, including number of protégé firm partici-  
10 pants that are—

11           “(A) small business concerns;

12           “(B) small business concerns owned and  
13 controlled by veterans;

14           “(C) small business concerns owned and  
15 controlled by service-disabled veterans;

16           “(D) qualified HUBZone small business  
17 concerns;

18           “(E) small business concerns owned and  
19 controlled by socially and economically dis-  
20 advantaged individuals;

21           “(F) women-owned small business con-  
22 cerns;

23           “(G) historically Black colleges and univer-  
24 sities; and

1                 “(H) minority institutions of higher edu-  
2                 cation;

3                 “(2) describes the type of assistance provided  
4                 by mentor firms to protégé firms;

5                 “(3) identifies contracts within the Department  
6                 in which a mentor firm serving as the prime con-  
7                 tractor provided subcontracts to a protégé firm  
8                 under the Program; and

9                 “(4) assesses the degree to which there has  
10                 been—

11                 “(A) an increase in the technical capabili-  
12                 ties of protégé firms; and

13                 “(B) an increase in the quantity and esti-  
14                 mated value of prime contract and subcontract  
15                 awards to protégé firms for the period covered  
16                 by the report.

17                 “(g) DEFINITIONS.—In this section:

18                 “(1) HISTORICALLY BLACK COLLEGE OR UNI-  
19                 VERSITY.—The term ‘historically Black college or  
20                 university’ means any of the historically Black col-  
21                 leges and universities referred to in section 2323 of  
22                 title 10, United States Code, as in effect on March  
23                 1, 2018.

1           “(2) MENTOR FIRM.—The term ‘mentor firm’  
2       means a for-profit business concern that is not a  
3       small business concern that—

4           “(A) has the ability to assist and commits  
5       to assisting a protégé to compete for Federal  
6       prime contracts and subcontracts; and

7           “(B) satisfies any other requirements im-  
8       posed by the Secretary.

9           “(3) MINORITY INSTITUTION OF HIGHER EDU-  
10      CATION.—The term ‘minority institution of higher  
11      education’ means an institution of higher education  
12      with a student body that reflects the composition  
13      specified in section 312(b) of the Higher Education  
14      Act of 1965 (20 U.S.C. 1058(b)).

15           “(4) PROTÉGÉ FIRM.—The term ‘protégé firm’  
16      means a small business concern, a historically Black  
17      college or university, or a minority institution of  
18      higher education that—

19           “(A) is eligible to enter into a prime con-  
20      tract or subcontract with the Department; and

21           “(B) satisfies any other requirements im-  
22       posed by the Secretary.

23           “(5) SMALL BUSINESS ACT DEFINITIONS.—The  
24      terms ‘small business concern’, ‘small business con-  
25      cern owned and controlled by veterans’, ‘small busi-

1       ness concern owned and controlled by service-dis-  
2       abled veterans', 'qualified HUBZone small business  
3       concern', and 'small business concern owned and  
4       controlled by women' have the meaning given such  
5       terms, respectively, under section 3 of the Small  
6       Business Act (15 U.S.C. 632). The term 'small busi-  
7       ness concern owned and controlled by socially and  
8       economically disadvantaged individuals' has the  
9       meaning given such term in section 8(d)(3)(C) of  
10      the Small Business Act (15 U.S.C. 637(d)(3)(C)).".

11      (b) CLERICAL AMENDMENT.—The table of contents  
12     in section 1(b) of the Homeland Security Act of 2002 is  
13     amended by inserting after the item relating to section  
14     890A the following new item:

"See. 890B. Mentor-protégé program.".

